

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**U-SAVE AUTO RENTAL OF AMERICA, INC.**

**PLAINTIFF**

**V.**

**3:14-CV-792-HTW-LRA**

**MERIT ASSOCIATES, INC., ET AL**

**DEFENDANTS**

**ORDER**

Counsel for Defendants were granted leave to withdraw by Order [27] filed February 26, 2015, and no attorney has made an entry of appearance since that date. Plaintiff filed a Motion for Partial Summary Judgment on Liability [28] on May 20, 2015, and Defendants have failed to respond to that motion. This case was set for a settlement conference before Magistrate Judge Roper, but that conference was continued.

Defendant Merit Associates, Inc. (Merit) is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business at 1251 Highway 501, Myrtle Beach, South Carolina 39577. The individual Defendant is William C. Burch III, who is an adult resident citizen of Myrtle Beach, South Carolina. No attorney has made an appearance of record for either the corporate defendant or the individual defendant.

It is well-settled that a corporation may not appear in federal court unless represented by an attorney. *Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 (5<sup>th</sup> Cir. 2004) (per curiam) (citing *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993)). When a corporation declines to hire counsel to represent it, the court may

dismiss its claims if it is a plaintiff, or strike its defenses if it is a defendant. *Donovan v. Road Rangers Country Junction, Inc.*, 736 F.2d 1004, 1005 (5<sup>th</sup> Cir. 1984) (per curiam).

Prior to the Court conducting further proceedings in this case, it is necessary under the law that the corporate defendant, Merit Associates, Inc., obtain a licensed attorney to represent it. Merit shall be granted 30 days to cause counsel to make an appearance on its behalf.

IT IS, THEREFORE, ORDERED that Defendant Merit shall obtain licensed counsel to represent it and make an appearance of record on or before **November 10, 2015**.

IT IS FURTHER ORDERED that Defendant Merit is advised that the consequences of its failure to hire counsel may result in sanctions.

IT IS SO ORDERED, this the 7th day of October 2015.

S/ Linda R. Anderson  
UNITED STATES MAGISTRATE JUDGE